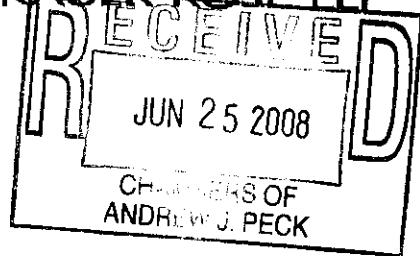


PROSKAUER ROSE LLP



1585 Broadway  
New York, NY 10036-8299  
Telephone 212.969.3000  
Fax 212.969.2900

BOCA RATON  
BOSTON  
CHICAGO  
LONDON  
LOS ANGELES  
NEW ORLEANS  
NEWARK  
PARIS  
SÃO PAULO  
WASHINGTON

Andrew I. Gerber  
Attorney at Law

Direct Dial 212.969.3696  
agerber@proskauer.com

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 6/25/08

June 25, 2008

By Facsimile

Hon. Andrew J. Peck  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1370  
New York, NY 10007  
fax (212) 805-7933

Re: Semerjian v. McDougal Littell, et al, 2007 Civ. 7496

Dear Judge Peck:

While we appreciate the Court's offer, we have concluded that the further investment in company resources that a settlement conference would entail would not be productive, and we respectfully decline the offer to engage in mediation on July 17, 2008.

Respectfully submitted,

Andrew I. Gerber

cc: Maurice Harmon, Esq.

**MEMO ENDORSED** 6/17/08

TH 7/17 at 10:00 AM my wife  
a short conference without a  
written agenda (but does not  
attend).

SO ORDERED.

Hon. Andrew Jay Peck  
United States Magistrate Judge

cc: Fox, Alan  
J. McPherson

**BY FAX**

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** June 25, 2008

**Total Number of Pages:** 2

TO	FAX NUMBER
Maurice J. Harmon, Esq.	610-262-9288
Charles S. Sims, Esq. Andrew I. Gerber, Esq.	212-969-2900

## TRANSCRIPTION:

**MEMO ENDORSED 6/25/08**

**The 7/17 at 10:30 AM conf. will be a status conference instead of a settlement conference (clients need not attend).**

**Copy to:** Judge Lawrence M. McKenna